

Attorney's Docket No.: 3250C4-331003
Client's Ref. No.: 3250C4

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SEP 03 2004

Applicant : Andreas Norbert Wiswesser et al. Art Unit : 3723
Serial No. : 10/722,716 Examiner : Shantese McDonald
Filed : November 25, 2003

Title : Method and Apparatus for Detecting an End-Point in Chemical Mechanical Polishing of Metal Layers

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Reply to the Action of May 5, 2004, faxed this 3rd day of September, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: September 3, 2004



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Attorney's Docket No.: 05542-331003 / 3250C4

BBB BIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Stop Amendment
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 Alexandria, VA 22313-1450

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REPLY TO ACTION OF MAY 5, 2004

In reply to the Office Action of May 5, 2004, Applicant submits the following remarks.

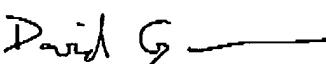
Claims 21-25 stand rejected for statutory double patenting under 35 USC 101 over claims 13-14 and 16-18 of U.S. Patent No. 6,503,766.

The present application and U.S. Patent No. 6,503,766 do not have common assignees or common inventors. Applicant respectfully notes that in this situation, statutory double patenting is improper. See MPEP 804(I)(A) and Chart II-A.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/3/04

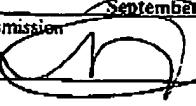

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I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

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